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2 [SUBMITTING COUNSEL ON SIGNATURE
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN NYPL, et al.,

Plaintiffs,

v.

JPMORGAN CHASE & CO., et al.,

Defendants.

Case No. 3:15-cv-02290-VC

**STIPULATION AND [PROPOSED]
ORDER REGARDING SERVICE OF THE
FIRST AMENDED CLASS ACTION
COMPLAINT; SETTING A SCHEDULE
FOR DEFENDANTS TO MOVE TO
TRANSFER VENUE; AND PRESERVING
ALL DEFENSES**

1 Plaintiffs John Nypl, Lisa McCarthy, MAD Travel, Inc. a.k.a. Travel Leaders, Valarie Jolly,
2 Go Everywhere, Inc., William Rubinsohn d.b.a. Rubinsohn Travel (collectively, "Plaintiffs"); and
3 Defendants J.P. Morgan Chase & Co., J.P. Morgan Chase N.A., Bank of America NA, HSBC
4 Finance Corporation, HSBC Bank USA, HSBC North America Holdings, Inc., HSBC Holdings plc,
5 Citigroup, Inc., UBS AG, Barclays PLC, Royal Bank of Scotland (collectively, "Defendants"), so as
6 to conserve both party and judicial resources, by and through their respective counsel, hereby
7 stipulate as follows:

8 WHEREAS, Plaintiff Nypl filed a class action complaint for violations of the Sherman Act,
9 the California Cartwright Act, and the California Unfair Competition Law (the "Complaint") on May
10 21, 2015;

11 WHEREAS, the Plaintiffs filed the first amended class action complaint for violations of the
12 Sherman Act (the "First Amended Complaint") on June 11, 2015;

13 WHEREAS, on May 28, 2015, the Court entered an Order directing the parties to file a Joint
14 Case Management Statement by August 18, 2015, and to appear for a Case Management Conference
15 at 10:00 am on August 25, 2015;

16 WHEREAS, none of the Defendants in this action has been served with the Complaint or with
17 the First Amended Class Action Complaint;

18 WHEREAS, Defendants assert that class actions based on similar allegations are pending
19 before the Honorable Lorna G. Schofield in the United States District Court for the Southern District
20 of New York under the caption *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, Case
21 No. 13-cv-7789;

22 WHEREAS, after the Defendants are served with the First Amended Class Action Complaint,
23 the Defendants intend to move to transfer venue from this Court to the United States District Court
24 for the Southern District of New York pursuant to 28 U.S.C. § 1404 or § 1406 for this action to be
25 consolidated with the *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, Case No. 13-cv-
26 7789, and the Plaintiffs intend to oppose Defendants' motions;

1 WHEREAS, the Defendants wish to clarify that by entering into this Stipulation and by
2 moving to transfer venue, they do not waive any defense or motion under Fed. R. Civ. P. 12,
3 including motions challenging jurisdiction and the sufficiency of the complaint;

4 AND WHEREAS, the Plaintiffs and Defendants have conferred and agreed that pursuant to
5 and in consideration for the terms of this Stipulation, and subject to the Court's approval (1) counsel
6 for Defendants will accept service of the First Amended Complaint on behalf of their client(s); (2) no
7 Defendant waives any defense, including personal jurisdiction, by entering into this Stipulation or
8 moving to transfer venue; (3) all deadlines for Rule 12 motions or responsive pleadings are stayed
9 pending the resolution of the Defendants' motions to transfer venue; (4) Defendants do not waive
10 their right to file any Rule 12 motions in this action after motions to transfer venue have been
11 decided; and (5) if the Court denies the Defendants' motions to transfer venue, the parties will confer
12 to establish a mutually agreeable schedule for Defendants to either move to dismiss or respond to the
13 First Amended Complaint.

14 THEREFORE, THE PARTIES, BY AND THROUGH THEIR RESPECTIVE
15 UNDERSIGNED COUNSEL, HEREBY STIPULATE, AND THE COURT ORDERS AS
16 FOLLOWS:

17 1. Service of the First Amended Complaint on the Defendants shall be effective as of the
18 date of the entry of the Order granting this Stipulation. Neither the Defendants' acceptance of such
19 service nor the Defendants' agreement to this Stipulation shall constitute a waiver of any other
20 defense, including, but not limited to the defense of lack of personal jurisdiction.

21 2. All deadlines for the Defendants to respond to the First Amended Complaint shall be
22 stayed pending resolution of the Defendants' motions to transfer venue. Defendants have not waived
23 their right to file any Rule 12 motions in this action.

24 3. The Defendants' motions to transfer venue must be filed no later than 20 days after the
25 entry of this Order. Such motions will be noticed for hearing, pursuant to Civil Local Rule 7-3, on
26 the first mutually agreeable hearing date after filing of the motions.

1 4. If the Court denies the Defendants' motions to transfer venue, the parties will confer
2 and propose a mutually agreeable schedule to the Court for Defendants to either move to dismiss or
3 respond to the First Amended Complaint.

4 5. The case management conference is rescheduled to October 27, 2015. The case
5 management statement is due 7 days before the CMC.

6 DATED: August 14, 2015

GIBSON, DUNN & CRUTCHER LLP

7 By: /s/ Joel S. Sanders

8 Joel S. Sanders
9 555 Mission Street, Suite 3000
10 San Francisco, CA 94105-2933
11 Telephone: (415) 393-8200
12 Facsimile: (415) 393-8206
13 jsanders@gibsondunn.com

14 ***Attorneys for Defendant UBS AG***

15 DATED: August 14, 2015

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

16 By: /s/ Peter E. Greene

17 Peter E. Greene
18 Boris Bershteyn
19 Peter S. Julian
20 Four Times Square
21 New York, NY 10036
22 Telephone: (212) 735-3000
23 Facsimile: (212) 735-2000
24 peter.greene@skadden.com
25 boris.bershteyn@skadden.com
26 peter.julian@skadden.com

27 Douglas A. Smith
28 300 South Grand Avenue, Suite 3400
29 Los Angeles, CA 90071
30 Telephone: (213) 687-5000
31 Facsimile: (213) 687-5600

32 ***Attorneys for Defendants JPMorgan Chase & Co. and***
33 ***JPMorgan Chase Bank, N.A.***

1 DATED: August 14, 2015

SHEARMAN & STERLING LLP

2 By: /s/ Stephen D. Hibbard

3 Stephen D. Hibbard (SBN 177865)
4 525 Market Street, Suite 1500
5 San Francisco, CA 94105
6 Telephone: (415) 616-1100
Facsimile: (415) 616-1199
shibbard@shearman.com

7 Adam S. Hakki
8 Richard F. Schwed
9 Jeffrey J. Resetarits
599 Lexington Avenue
10 New York, New York 10022
Telephone: (212) 848-4000
Facsimile: (646) 848-7179
ahakki@shearman.com
rschwed@shearman.com
jeffrey.resetarits@shearman.com

11
12
13
14 *Attorneys for Defendants Bank of America Corporation
and Bank of America, N.A.*

15
16 DATED: August 14, 2015

LOCKE LORD LLP

17 By: /s/ Regina J. McClendon

18 Regina J. McClendon
19 44 Montgomery Street, Suite 2400
San Francisco, CA 94104
20 Telephone: (415) 318-8804
rmcclendon@lockelord.com

21
22 *Attorneys for Defendants HSBC Finance Corporation,
HSBC Bank USA, N.A., HSBC North America
Holdings, Inc., and HSBC Holdings plc*

24
25 DATED: August 14, 2015

COVINGTON & BURLING LLP

26 By: /s/ Tammy Albarrán

27 Tammy Albarrán
One Front Street
28 San Francisco, CA 94111-5356

1 Telephone: (415) 591-7066
2 talbarran@cov.com

3 Andrew A. Ruffino
4 The New York Times Building
5 620 Eighth Avenue
6 New York, New York 10018
Telephone: (212) 841-1000
aruffino@cov.com

7 Alan M. Wiseman
8 Thomas A. Isaacson
9 Andrew D. Lazerow
One City Center
Washington, D.C. 20004
10 Telephone: (202) 662-6000
awiseman@cov.com
tisaacson@cov.com
alazerow@cov.com

11 *Attorneys for Defendant Citigroup Inc.*

12 DATED: August 14, 2015

13 DAVIS POLK & WARDWELL LLP

14 By: /s/ Neal A. Potischman

15 Neal A. Potischman (SBN 254862)
16 1600 El Camino Real
17 Menlo Park, CA 94025
18 Telephone: (650) 752-2000
19 Facsimile: (650) 752-2111
neal.potischman@davispolk.com

20 Joel M. Cohen
21 450 Lexington Avenue
22 New York, New York 10017
23 Telephone: (212) 450-4000
Facsimile: (212) 450-4800
joel.cohen@davispolk.com

24 *Attorneys for Defendant The Royal Bank of*
25 Scotland plc

26 DATED: August 14, 2015

27 SULLIVAN & CROMWELL LLP

28 By: /s/ Adam S. Paris

1 Adam S. Paris
2 John D. Echeverria
3 1888 Century Park East
4 Los Angeles, California 90067-1725
5 Telephone: (310) 712-6600
Facsimile: (310) 712-8800
parisa@sullcrom.com
echeverriaj@sullcrom.com

6 ***Attorneys for Defendant Barclays Bank PLC***

7
8 DATED: August 14, 2015

ALIOTO LAW FIRM

9 By: /s/ Joseph M. Alioto

10 Joseph M. Alioto
11 Theresa D. Moore
12 Jamie Miller
13 One Sansome Street, Suite 3500
14 San Francisco, CA 94104
Telephone: (415) 434-8900
Facsimile: (415) 434-9200
jmiller@aliotolaw.com
tmoore@aliotolaw.com

16 ***Attorneys for Plaintiffs John Nypl, Lisa McCarthy,
MAD Travel, Inc. a.k.a. Travel Leaders, Valarie Jolly,
Go Everywhere, Inc., William Rubinsohn d.b.a.
Rubinsohn Travel***

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20 DATED: August 14, 2015

LAW OFFICES OF LINGEL H. WINTERS

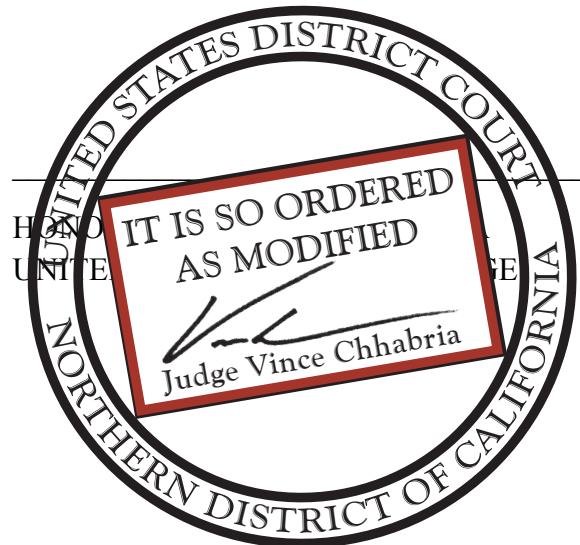
21 By: /s/ Lingel H. Winters

22 Lingel H. Winters, Esq.
23 275 Battery Street, Suite 2600
24 San Francisco, California 94111
Telephone: (415) 398-2941
Facsimile: (415) 393-9887
sawmill2@aol.com

26 ***Attorney for Plaintiffs John Nypl, Lisa McCarthy, MAD
Travel, Inc. a.k.a. Travel Leaders, Valarie Jolly, Go
Everywhere, Inc., William Rubinsohn d.b.a. Rubinsohn
Travel***

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3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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5 DATED: August 20, 2015



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